Abstract

The paper attempts to compare processes of outside-in and inside-out norm diffusions within different historical contexts in the Republic of Korea. It demonstrates how political actors play as a role in diffusing dominant norms within the context of different international orders: the pre-Cold War and the post-Cold War in East Asia. On the one hand, it demonstrates the internalization of anti-communism in pre-Cold war period, which was conducted by the Lee Seung-man government (1948-1953) based on military force and discourses of decolonization and liberal democracy. On the other hand, it illuminates how the Kim Dae-jung government (1998-2002) sought to externalize liberal nationalism by reconstructing domestic institutions and discourses of Sunshine Policy at the international level. Through exploring diverse political actors’ role on the process of norm diffusion at the domestic and international levels in the ROK in both periods, this paper contributes to embodiment of regional contexts including decolonization and democratization in East Asia in developing non-Western IR theory.
1. Introduction

The Republic of Korea (ROK) experienced significant historic paths shaped contemporary regional order in East Asia. The Korean peninsula was colonized by Japan, decolonized the US, and divided through the Cold War. According to one of greatest historian Eric Hobsbawm (1995), ‘Among 74 international wars between 1816 and 1965, the number of people they killed, the top four occurred in the 20th century: the two world wars, the Japanese war against China in 1937–39, and the Korean War. Upwards of one million persons were killed in battle’ (Hobsbawm, 1995, 24). Two of these four wars were fought at least in part on the Korean peninsula. The division of Korean peninsula represents the last ghost of the Cold War, and territorial dispute with Japan reveals the heritance of colonization, and historical dispute with China demonstrates the rise of Korean nationalism. In particular, ROK’s dynamic relationship with the DPRK in the post-Cold War period reflects the competition of dominant norms historically formulated in the last century. In other words, addressing dominant norm diffusions in the ROK in pre and post-Cold War periods contributes to understanding complexity of contemporary status in East Asian region, which has been constructed by the accumulation of historical structures and divergence of political agencies.

This study aims to explore the process of internalization and externalization of dominant norms in ROK. The paper attempts to compare processes of outside-in and inside-out norm diffusions within different historical contexts in the Republic of Korea. This paper contributes to embodiment of regional contexts including decolonization and democratization in East Asia in developing non-Western IR theory. The paper is divided into five sections. First of all, it conceptualizes norm completion in exploring the process of internalization and externalization of dominant norms. In this section, it explains how this study defines norm, and clarifies the concept of norm competition by comparing between social learning and norm competition. Secondly, it demonstrates the internalization of anti-communism in pre-Cold war period, which was conducted by the Lee Seung-man government (1948–1953) based on military force and discourses of decolonization and liberal democracy. Thirdly, it illuminates how the Kim Dae-jung government (1998–2002) sought to externalize liberal nationalism by reconstructing domestic institutions and discourses of Sunshine Policy at the international level. Finally, it ends up by summarizing it.

2. Conceptualizing Norm competition

Norms have generally been defined as collective expectations of appropriate behaviour of actors with a given identity in international relations (Finnemore, 1998, 891; Jepperson, Wendt and Katzenstein, 1996, 54). Constructivists assumes that norms are core factors in defining state interests in international relations, and that the international reality is socially constructed by cognitive structures that give meaning to the material world. Kratochwil (1989) claimed that norms are important elements that comprise the basis of an inter-subjectively shared context, allowing decisions to be made, giving meaning to actions, and providing people with a medium through which they may communicate.

Previous studies based on the concept of norms deal with diverse issues in international politics. Constructivists provide the typology of norms used in empirical applications (Finnemore and Sikkink, 1998, 891–92; Jepperson, Wendt and Katzenstein, 1996, 54–55; Klotz, 1995, 25–26). Finnemore and

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1 Constructivists argue that neo-realism and neo-liberalism are incapable of illuminating the importance of norms for the following two reasons: they do not acknowledge that norms are a central component of both the international system and actors’ definitions of their interest, and positivist epistemological and methodological assumptions of these two theories are inherently limited in explaining the important inter-subjectivity of norms (Klotz, 1995, 15).

2 Firstly, ‘constitutive’ norms define identities in the initial time and/or place which shape the shared
Sikkink (1998, 892) draw more attention to women’s rights, especially suffrage, and Klotz (1995) focused on the norm of racial equality as the basis of broadly defined norms. Ray (1989) sought to investigate the slavery issue, linking it to international war. Price and Tannenwald (1996) focused on security issues regarding prohibitions against nuclear and chemical weapons, and Katzenstein (1996) attempted to demonstrate the relationship between cultural norms and national security in Japan in the post-war period. With respect to ideology and the end of the Cold War, Herman (1996) and Risse-Kappen (1994) apply the concept of norms to the case of Soviet Union. This defines ideologies as a norm, and Barnett (1995) also defined ideology as a norm for investigating pan-Arabism and nationalism.

By adopting broad concept of norm, this study also defines anti-communism and nationalism as a norm, which are ‘collective expectations of appropriate behavior of actors with a given identity in inter-Korean relations.’ These two norms have been the foundation of ROK’s identity toward North Korea after the liberation of 1945.

**Norm competition as a diffusion mechanism**

Wendt (1999, 324–36) employs ‘imitation’ and ‘social learning’ as the mechanisms of cultural selection to explain how deeply social norms are embedded into a country. Elite learning is an important mechanism for explaining norm diffusion in constructivist approach. Norm empowerment occurs as agents are taught new values and interests; their behaviors come to be governed by the logic of appropriateness, which is learned through the process interacting with global norms. This is the mutual constitution that lies at the heart of the constructivist method. Both mechanisms incorporate the active intentions of actors endeavoring to acknowledge social norms. Actors embrace the self-understandings of those whom they discern as ‘material or status successful,’ and as such, imitation is liable to provide more homogeneity within populations (Wendt, 1999, 325).

Nye (1987) demonstrates two forms of social learning: ‘simple learning’ and ‘complex learning’. Rationalists underlined the behavioral effects of states, which can be labelled as simple learning (Wendt, 1999, 327). Rationalists assume that learning and perspective-taking alter not who actors are or what they want, but their ability to accomplish their desires in a given social context. On the contrary, constructivists draw more attention to ‘complex learning’ that is likely to affect identities and interests. Wendt (1999) focuses on the convergence of the rationalists’ and constructivists’ assumptions, and how interaction between states alters identities and interests. These two different assumptions can be accommodated by game theory.

Wendt (1999), however, merely focused on imitation and social learning, paying little attention to competition as a mechanism of cultural selection in the process of norm diffusion and state identity formation. The prominent questions of previous studies on norms are what international norms result at the domestic level, and how international norms constitute particular domestic agents regarding states, individuals, or groups (Checkel, 1999, 85). The ignorance of competition between external and internal actors or between internal actors in investigating the mechanism of norm diffusion results in the relative absence of attention to the influence of domestic actors in constructivists’ empirical research.

Understanding of the proper portfolio of identities for a given context (Jepperson, Wendt and Katzenstein, 1996, 54). These constitutive norms generate new actors, interests, or categories of actions (Finnemore and Sikkink, 1998, 891). The second type are ‘regulative’ norms, prescribing conduct for previously constituted identities that generate collective understandings about the way in which conduct will be shaped by those identities in various conditions (Jepperson, Wendt and Katzenstein, 1996, 54). These regulative norms order and constrain conduct (Finnemore and Sikkink, 1998, 891). This study will use constitutive norms to analyse the empirical case.
International norms must pass through the filter of domestic structures and domestic norms, which can create crucial variations in the interpretation of this norm (Risse-Kappen, 1995). The diffusion mechanism at the domestic level can be divided into two approaches: bottom-up and top-down (Checkel, 1999). In the case of the bottom-up approach, non-state actors and the policy network are the core actors empowering the influence of norms on decision-makers in changing state policy. In this case, the internalisation of the norms is based on the activities of international organisations like Greenpeace or Amnesty International, and these non-state international actors play a major role in empowering norms at the international level. In the case of the top-down approach, elite decision-makers such as state corporate agencies empower norms, which contribute to changes in a state’s behaviour. Scholars have paid less attention to how elite decision-makers empower norms than non-state actors. In this case, social learning leads agents to embrace international norms. The analytical basis of the top-down process is complex learning, which is drawn from cognitive and social psychology (Soysal, 1994; Risse-Kappen, 1995; Wendt, 1999).

Checkel (1999) criticizes relative lack of constructivism in exploring the role of domestic actors, in spite of the emphasis on the mutual constitution of agents and structure. International norms must be consistently exerted over domestic structure and domestic norms, which are able to provide prominent diversity in the observance and interpretation of these norms (Risse-Kappen, 1995). Domestic actors, therefore, are important components in investigating where norms come from and how norms are diffused. Previous studies, however, have certain limits, induced by paying little attention to domestic elements despite their salience (Checkel, 1999, 85; Cortell and Davis, 2000, 67).

Checkel (1999) argued that the previous literature shows two critical points. The first point is that constructivists are unsuccessful in specifying a diffuse mechanism through which international norms have an impact at the domestic level. This results in a failure to demonstrate the transformation process or the constitutive effects of norms. Secondly, he argued that the previous literature lacks attention to theory development at the domestic level (Checkel, 1999). Checkel's analytical points nevertheless have a number of limitations in explaining norm diffusion at the domestic level, because these points still focus more attention on one-way norm diffusion from international actors to domestic actors. Cortell and Davis (2000) pointed out that previous constructivist analyses neglected norms that originated from other types of social entities, such as regional, national, and sub-national groups, because they overemphasised international prescriptions. This misunderstanding shows the ignorance of scholars in terms of sub-systemic social understanding. Even though Checkel (1999) underlined domestic factors, he failed to provide his explanation of cross-national variations in the constitutive impact of systemic norms.

The problem with empirical research focusing on one-way norm diffusion is that it can lead to the misunderstanding of normative structural change because of the lack of attention to pre-existing domestic normative structures and their effects on domestic actors. This study seeks to demonstrate how norms compete in order to offer more systemic mechanisms than imitation or social learning. This new approach will provide a more comprehensive view of norm diffusion by reinforcing the domestic normative structure and the relationship between domestic actors and international actors.

In attempting to develop the concept of two-way norm diffusion, this study turns to the arguments of four scholars: Finnemore and Sikkink (1998, 897), Checkel (1999) and Acharya (2004). Firstly, Finnemore and Sikkink (1998, 897) argued that the main actor at each stage of a norm's lifecycle is different. In the stage of emergence, they employ non-state actors, including entrepreneurs with organizational platforms as a key agency. In the stage of cascade, states, international organizations and networks play the primary roles, while the legal professions and bureaucracy become the main actors in the internalization stage. The diversification of the main actors at each stage occurs because, as Finnemore and Sikkink (1998) highlighted, the norms take on the character of morality, which non-state actors mainly start to diffuse. Finnemore and Sikkink (1998) briefly indicated that new norms must compete with pre-existing norms and perceptions of interest when they are
incorporated into a highly contested normative structure.

Secondly, Checkel (1997b) developed two-way norm diffusion as he focused more on the role of domestic agency in norm diffusion. Checkel (1999, 87) argued that the degree of competition appears in a different form, based on ‘cultural match’, which refers to ‘a situation where the prescriptions embodied in an international norm are convergent with domestic norms as reflected in discourse, the legal system and bureaucratic agencies.’ Cultural match has three levels: complete congruence between international and domestic norms; null (0) match, which means that there are obvious normative barriers to a particular systemic understanding; and a negative match, referring to a situation of no congruence between international and domestic norms. The speed of norm diffusion accelerates when a systemic norm resonates with a historically constructed domestic norm in a target country (DiMaggio and Powell, 1991, 199–220; Meyer, Ramirez and Soysal, 1992). Checkel (1999)’s emphasis on the reflection of norms in discourse, legal systems and bureaucracy will be shown in the next section.

Unlike previous studies that have explored the resistance and agency of domestic actors, Acharya (2004) focused on a dynamic process which is conceptualised under the name of ‘norm localisation’. Previous studies attempted to explain the existential fit between domestic and outside identity norms and institutions, and they strictly divided producers of dichotomous outcomes into acceptance or rejection. Instead, Acharya (2004) emphasised localisation that demonstrates a complex process and consequence. This is accomplished by norm-takers constructing compatibility between transnational norms, including norms previously institutionalised in a region.

The concept of norm localisation can be applied to the internalisation of anti-communism by the Lee Seung-man government after Korea was decolonised from Japanese imperial government. Acharya (2004, 245) defines norm localisation as an ‘active construction of foreign ideas by local actors, which results in the latter developing significant congruence with local belief and practices.’ Lee Seung-man and the Korean Democratic Party (KDP) utilised the discourse of anti-communism (foreign ideas) and distorted it, along with the discourse of nationalism (local beliefs), in order to reinforce their political legitimacy.

Discursive competition

This study will focus on discursive and institutional competition in transformative period. Discourses relating to the principles of political legitimacy are constructed on the basis of collective identity (Bukovansky, 1997). The discourse might be employed in a Constitution or ‘Mission Statement’ (Swales and Rogers, 1995), or in collective memories associated with the state’s members in the past. This refers to the fact that empirical research on state identities and their transformations over time incorporates a significant element of discursive and intellectual history (Wendt, 1999, 219). Finnemore and Sikkink (1999, 897) emphasised the discursive effect of emotion on norm diffusion in their own language, i.e., through a cognitive frame. They argued that norm entrepreneurs draw attention to or even generate issues ‘by using language that names, interprets, and dramatizes them’. According to Finnemore and Sikkink (1999), the creation of cognitive frames is a necessary element of norm entrepreneurs’ political strategies. The new cognitive frames diffuse as public understanding broadens, and, if successful, they are accepted as new way of understanding issues.

International actors directly compete with domestic actors. For instance, discourse regarding official statements or speeches from foreign state actors or international non-state actors can help domestic actors to pursue the same norm with international actors. A more specific example is the competition between anti-apartheid and apartheid movements in South Africa a few decades ago—this could be defined as a competition between an international norm and a domestic norm at the domestic level (Klotz, 1999). In particular, developing states that are or have experienced material or institutional support from international society have a significant effect on the decisions made by international
actors. Acharya points out that norm localisation, which this study calls ‘norm internalisation,’ may begin with ‘a reinterpretation and re-representation of the outside norm’ (2004, 244). In adopting these scholars’ emphasis on language, this study seeks to expand the role of language in the process of norm diffusion, and in the next section it will demonstrate the discursive role of language in deconstructing the logic of pre-existing norms and constructing the logic of new norms, which are underpinned by a cognitive framework.

Discursive competition occurs through norm transferors. Norm transferors can be defined as agencies that create, call attention or interpret issues using language. This definition is developed from ‘norm entrepreneurs’ (Finnemore and Sikkink, 1998). Finnemore and Sikkink (1998) argue that norm entrepreneurs play a role in the norm emergence stage. Thus, non-state actors, including individual members of Non-Governmental Organisations (NGOs) and International NGOs (INGOs), become norm entrepreneurs. They also suggest that NGOs and INGOs act as an ‘organisational platform’ for the promotion of norms (Finnemore and Sikkink, 1998, 899). At the domestic level, state actors, including presidents and ministers, can be the most important norm transferors. Aside from domestic civil society (including opposition parties), NGOs and the media will be dealt with as non-state actors in this study. For example, controversial morality-oriented norms such as anti-apartheid (Klotz, 1999) and suffrage (Finnemore and Sikkink, 1998) were primarily transferred by non-state actors, while ideology-oriented norms.

Institutional competition

The institutionalisation of collective action provides unity and persistence with corporate agency (Wendt, 1999, 220). The authorisation of internal decision structures regulates the actions of its members, or can be labelled as the action of a corporate body (Wendt, 1999, 220). As was previously discussed, if we take the definition of the state as an organisation with sovereignty (the Weberian definition), it must explain how state acts shape the principles or goals of policy, how it makes policy decisions in a normative structure, and what the key factors are that shape state actions. The simplest solution to this problem is the individual actor. Decision-making in foreign policy is based on individual ideas (cognitive factors) or collective ideas (norms). The study pays more attention to the collective idea, in particular Durkheim(1937, 11)’s assumption that the understanding of the internalisation of cultural norms and social objects is a part of personality.

As the leaders of bureaucratic organisations, norm takers seek to employ individuals based on their own norms. In case of weak states that have insufficient political sovereignty or foreign military commitment, a foreign state can be a norm taker that decides who the leader of the government will be. This case occurs in the states that experience war after decolonisation: as decision makers in their organisations, norm takers resist opposition groups’ attempts to alter the principles or policy programmes when they have to follow competing norms due to a hierarchical bureaucratic system. In this case, the behaviour of the state or the bureaucratic organisation reveals a certain inconsistency between different directions based on multiple norms. The norm takers’ resistance to change induced by competing norms may affect on the behaviour of the state. Beach (1998) argues that a decentralised system has a stronger potential to embrace new ideas, because more independent organisations in a decentralised system offer more possible destinations for the travelling ideas-salesmen to attempt to diffuse their ideas.

Legal and organisational competition occurs through norm takers. A ‘norm taker’ is an agency that has authority to decide whether to apply norms to change policies or state behaviour. The norm taker also decides on policy in each organisation that plays a role in changing policies or state behaviour under certain circumstances. Norm takers are state corporate actors such as presidents, prime ministers, members of parliament or the heads of bureaucratic organisations. Norm takers’ competition refers to the process in which an individual or group attempts to realise behavioural changes on the part of the state by altering the legal system and bureaucratic organisations at the
domestic level. While norm transferors provide logical appropriateness to the public, norm takers adopt new policies or political conduct based on their own norms. They seek to alter laws, judicial codes and constitutions. This contributes to changing the rules that make people active participants in realising norms, and form agents’ relations into the stable arrangements or institutions that give society a recognisable pattern or structure (Onuf, 1997).

The institutionalisation and authorisation of collective action rely on the ‘internal decision structure’ (French, 1984). Corporate structures use centralisation and internalisation to accomplish cooperation between individuals (Wendt, 1999, 219). Centralisation incorporates hierarchical decision-making, which draws a distinction between certain individuals and others. Rationalists attempt to highlight centralisation as key to the collective action puzzle, because they assume that self-interest is the only motivation for cooperation (Wendt, 1999, 221). This assumption, however, is unlikely to succeed without the internalisation of norms as the second condition of the internal decision structure. Individuals define their identities and interests through internalised corporate norms (Wendt, 1999, 221).

There are diverse norms that individuals follow at the societal level. Social norms and identities are not selective or collective, but individual choices. Nevertheless, dominant norms arising from society are selected by collective political groups governing state through a legitimating process in particular election systems. State actors regard public opinion as an important factor in the process of promoting policies that will maintain their political power in the next election. Public opinion on certain policies or state behaviours is shaped by mass public interpretation of social norms and identities. Political leaders sensitively reflect public opinion—particularly the opinions of supporting groups during an election. Therefore, despite the fact that state actors determine their policy on the basis of their own norms and identities, social norms and identities are an important factor for state actors.

3. Outside-in: The Internalization of Anti-communism in the ROK (1945-1959)

Decolonization and the Korean War

Few scholars drew attention to anti-communism in the ROK until the late 1980s. As one of the dominant ideologies, some scholars did in fact deal with this topic; however, they did not clearly define anti-communism (Choe, 1989; Kim and Cho, 2003). Kim and Cho (2003) argue in the context of the ROK that anti-communism has three implications. Firstly, anti-communism is involved with the creation of an anti-North Korean identity. The experience of the Korean War meant that the DPRK had been conceived as the most dangerous enemy and a substantial threat to the security of the ROK. Secondly, anti-communist sentiments in the ROK were combined with a US-dependent identity. Since liberation in 1945, the United States had become a major patron as well as an ally in terms of economic and military support during the Cold War. For an eight year period during the process of decolonization as well as the Korean War, the United States had been widely conceived as a savior (Kim and Cho, 2003, 126). Thirdly, Korean anti-communism also possesses an authoritarian identity aimed towards civil society, an identity that undermines the democratic system in the ROK. Kim and Cho (2003, 127) argue that the discourse of anti-communism in itself dominated over the various discourses that were underpinning a more democratic civil movement.

This section illustrates how the Lee government and the United States military government contributed to the construction of anti-communism in the ROK through decolonization and the Korean War. There is no doubt that the Korean War was the most important historical context relating to the construction of anti-communism in the ROK. However, it is not sufficient merely to acknowledge the significance of the Korean War at a domestic level and the Cold War at an international level in order to gain a proper understanding of the development of anti-communism in the ROK. Therefore, this section draws attention to the role of the political agents who had formed
anti-communist ideas prior to the Korean War.

**Interpretation of the Soviet Union and Communists as an enemy of Korean nation**

Yosinob (1984) argues that the antagonistic relationship between these two groups originated from the Japanese colonial government's suppression of the Korean communist movement. There has been some level of focus on the role of domestic political actors and the US in the process of decolonization and internalizing anti-communism (Mori Yosinob, 1984; Kim J, 2000; Choe, 2005). Mori Yosinob (1984, 174) explicitly demonstrated the origin of the hostile relationship between Korean nationalists and anti-communists. The Korean independence movement accepted Bolshevism as a way towards independence. Korean nationalists had internalized communism in a similar way that other Third World nationalists in colonised Asian states had done, examples being China and Vietnam. By doing so, Communism had already become a dominant ideology along with nationalism during the Korean liberation movement (Lee, 1963).

During the colonial period, pro-Japanese groups were actively engaged in assimilating the enemy by joining the Japanese colonial government as official agents such as soldiers, police and public prosecutors. Among these collaborators, some sincerely believed that Japan could be a model for underdeveloped Korea because it had already experienced rapid modernization. Close collaboration with the Japanese colonial government and allowing it to dominate Korean governance was regarded as a good method for national development. Furthermore, pro-Japanese groups considered an armed struggle with the Japanese colonial rulers as unrealistic due to their belief in the superiority of Japan in comparison to Korea. Communist and nationalist independence movements were perceived as the enemy, and the Korean liberation in 1945 brought about a major crisis.

Since the liberation of the Korean nation in 1945, Korean nationalists became the strongest voice in liberated Korea. Independence movements doubled and a diverse range of nationalist movements converged with external ideology and agents through the political leaders of pre-existing independent movement groups (Lee, S 1989; Lee, W, 1982, Hanguk Sahoesa Yonkukoe, 1988). Pro-Japanese collaborators were identified as national traitors. Therefore, former Japanese collaborators needed to quickly transform themselves into what became predominantly anti-communist groups in order to maintain their political position. Accordingly, they were confronted by armed Korean communist and nationalist guerrillas who were fighting for the independence movement and were identified as communist groups harassing the development of a liberated Korea.

The trusteeship entanglement offered a significant opportunity to interpret what the fundamental issues in a liberated Korea were likely to be (Cumings, 1981, 221). US General Hodge sought to find a Korean political group to adopt the military's preference for unilateral American tutelage in Korea. As the break-down of the Japanese colonial government had not been expected, there was no dominant domestic authority in the newly liberated Korea. Despite of various political activities, the proposed group from US military government was the Korean Democratic Party (KDP), which had indicated its preference for American unilateralism (Cumings, 1981, 219). During the Lee administration, there were a few people who could communicate with external force having military power, so the Lee and his political group having more English-Korean translators were able to persuade US military government in terms of domestic politics.

If the Moscow decision was merely transferred to the Korean people, the US had little to provide beyond the maintenance of their own interests. However, if they could construct the trusteeship issue as being ‘dominated by the Soviets versus independence’, they could recover patriotism and some degree of legitimacy to their cause (Cumings, 1981, 222). Lee Seung-man and the KDP began to take the lead in the anti-trusteeship struggle, the nature of this movement subsequently changed into an anti-communist/anti-Soviet movement (Cumings, 1981, 221).
Lee Seung-man and KDP sought to identify the Soviet Union and communists as an enemy of Korean nation. Lee Seung-man in his radio speech stated that the Soviet Union wished Korea and its people to be their slaves. He also claimed that Korean communists refer to Russia as their motherland and wished Korea to be a part of the Soviet Union. He maintained, 'If we do not now solve this problem through our own efforts, our country will be divided into two and we will not be able to avoid civil war.' Following Lee's speech, the KDP Propaganda Department blamed the Soviets for singlehandedly linking the trusteeship proposals to the Yalta agreement on the Far East. Lee added, any 'people who sound like communists' within the State Department to the list of supporters of trusteeship. Most importantly, the KDP published a lead article under the headline, "Soviets Advocate Trusteeship, U.S. Advocates Immediate Independence."

After the radio announcement, Lee passed a resolution that contained his manipulation of the events surrounding the Korean trusteeship debate. This resolution states that all American authorities including Truman, Byrnes, MacArthur and Hodge opposed the decision and only a fraction of those leaning towards communists within the State Department had agreed with the Soviets on trusteeship. Due to the charge of 'communist leanings' pointed at certain State Department officials, Korea had an opportunity to denounce the trusteeship. Cumings (1981) argues that, 'Such provocative charges deeply confused Koreans who already had a natural opposition to trusteeship, and the Moscow accords on Korea became hopelessly distorted.' Other information about Russia was also being distorted and there were rumors that the Russian Army would soon enter into the region and enforce a five-year trusteeship under sole Russian control in the North Chungcheong Province. This last piece of information resulted in the emergence of a full-blown anti-communist and anti-Soviet movement, which initially enabled the extreme Right to mobilise popular support for its policies (Cumings, 1981, 223).

Moreover, the US media produced its own flood of distorted information mirroring the left's perspective on trusteeship. This information was grasped and diffused by domestic political actors. Park Hun-yeong, the leader of the Korean Communist Party (KCP), held a press conference with Korean and foreign journalists. A correspondent for the New York Times, Richard Johnston, quoted Park as advocating an extended Soviet trusteeship to be followed by the merging of Korea into the Soviet Union. Following this, the KCP produced a flyer publicising Johnston's statement under the phrase “Down with Park”. Other American correspondents that had been present at the conference insisted that Park required nothing more than a Korea 'run by Koreans for Koreans', but his argument was given a very different interpretation by Korean journalists. In addition, Internal American military government reports also indicated that Park had argued for 'immediate independence', and that his statement had been ‘completely misrepresented.’

As a consequence of the Korean War, any third groups situated in the middle of dominant norms were purged from dichotomized political groups based on external ideology. Kim Gu, the leader of the largest provisional government, and Yeo Un-hyeong, the leader of the Preparatory Committee for National Construction, were both assassinated in 1949. The Korean War was the key factor which enabled anti-communist discourse to dominate (Kim JH, 2000). The situation arising from the Korean War between 1950 and 1953 contributed to the reinforcement of anti-communism. At the end of the war, approximately 750,000 military and 800,000 civilians were dead- over 11 per cent of the North Korean population had been lost as well as massive numbers of South Korean lives and property (Buzo, 2007, 82).

Lee Seung-man’s discourse used to shape anti-communism were ‘independence’ and ‘nationalism’ (Kim JH, 2000). Lee advocated that the Korean War was not initiated simply to free the world from communism, but also for national independence within the frame of binary opposition. ‘We are fighting for our independence and freedom as well as all democratic liberal nations.’ After the Korean War, Lee Seung-man officially adopted the discourse of ‘unification by advancing toward the North.’ The aim that Lee advocated was national independence, which referred to national unification after
the Korean War. For national unification and independence to be achieved, an advance toward North Korea was required (Seo, JS, 1995).

Lee Seung-man emphasized ‘democracy’ and the ‘world’ within his discourse. Lee Seung-man emphasized the support from the US that was perceived as helping to rebuild a sovereign state while any communist related conflicts were purely Korea’s responsibility as it was liberated by the US. The US-associated label of ‘saviour’ was deeply embedded until the 1980s. The nature of the US was perceived as an anti-communist, rather than democratic, state. He thought that coexistence with communism was impossible and that the ROK had to provide an Asian pacific base for the advancement and eventual defeat of communism (Kim JH, 1999, 66). Before the Korean War had occurred, anti-communism was only a minor current within Korean society rather than a dominant norm. This meant that the Lee government merely relied on discursive articulation (independence and anti-communism) without any substantial or real experience to underpin its anti-communist discourse being relayed to the Korean people. Through the Korean War, the Lee government was able to formulate anti-communism as a dominant state norm in the ROK.

To sum up, through the process of decolonisation combined with the Korean War, anti-communism was gradually constructed as the dominant norm which eventually divided South Korean society into two extremist groups possessing either anti-communist or communist sentiments. As a consequence, the group of nationalists who maintained/occupied a middle position between these two extremes was uniquely undermined by the internationalisation of the Cold War.

**Criminalization of nationalists group**

As soon as the trusteeship began, the United States military assumed political authority in South Korea and at the same time the Soviet Union assumed government authority in the North. However, the Soviet’s power was immediately transferred to Kim Il-sung and his Korean communist group in North Korea. The Soviet Union did this because it could still engage its interests through the Soviet-Koreans who were cooperative political elites providing a reliable Korean source in their designated area. Therefore, after the trusteeship had begun, the first political decision made by the US military government was to continue supporting the pre-existing administrative structure originally enforced by the Japanese colonial government.

Unlike the Soviet Union’s ability to cooperate with political elites in the North, the United States needed to employ unknown but seemingly ‘qualified Koreans’ in the ROK in order to gain information. The need to employ reliable informants came foremost, and as a result, the United States military government decided to simply reemploy former Japanese collaborators already set up in Korean bureaucratic organisations. The United States military preferred employing English-speaking Koreans primarily for ease of communication, but more importantly because the individuals who had been ardent Japanese collaborators also held a strong anti-communist mentality (Cumings, 1981). More than eighty percent of Korean policemen had worked for the Japanese colonial government and this group now became the main source of informants for the US.

Lee Seung-man was ideally suited for the ideological needs of the US military government as well as the political demands of pro-Japanese groups employed by them. Lee had gained a PhD degree in politics from Princeton University in 1912. Throughout his time in the US he had obtained a deep understanding of American ideals and anti-communism. His intelligence combined with an anti-communist mind-set set him up as a political leadership candidate who could realise US strategic interests in the Korean peninsula. Lee already had a strong reputation as a political leader in Korea, partly because he was a descendent of the Lee dynasty – inherited kudos from the old feudal system. However, he was also a notable member of the Provisional Government of the Republic of Korea in Shanghai. With the backing of the US military government, Lee along with pro-Japanese groups took over the first South Korean government.
However, the Lee government lacked political legitimacy. The standard to justify political legitimacy in a decolonized county is measured by the extent of its role in the process of this independence movement (Choe J, 2007, 39). The Lee government rarely gained a majority in legislature, and in the first National Assembly (1948-50), the Lee groups commanded only 55 of 200 seats. In order to make up for such political weakness, an expansion of bureaucratic organisations such as the police and the armed forces was used to boost Lee’s political power (Buzo, 2007, 69). The number of police increased from 27,600 in 1947, to 48,010 in 1950 and 63,427 in 1952. These expanded organisations enabled the Lee government to control South Korea in spite of the lack of political support. It also shows a significant decline from 1953 in which the Korean War ended. During the Korean War, the Lee government was able to remove opposition groups by emphasising national security. Even though the Lee Seung-man government attempted to reinforce the provisional government's capability of diplomacy in the US, its political legitimacy remained weak mainly because its organisational foundation was formed from pro-Japanese groups (Choe J, 2007, 39). The leaders of other large political groups, Yeo Un-yeong, chairman of the National Foundation Preparatory Committee in liberated Korea, and Kim Gu, chairman of the Provisional Government of the Republic of Korea in Shanghai, had been legitimised by national political leaders who had fought against the Japanese colonial government.

Lee needed the underpinning of the US military and the official agency of pro-Japanese groups in order to maintain his political legitimacy. To be understood as a reliable leader by the US military authority, Lee actively attempted to internalise anti-communist attitudes which the US military government, the most powerful political authority in liberated Korea, strove to promote in order to counteract the diffusion of communism in the Korean Peninsula. Pro-Japanese groups embraced anti-communism publicly even though they were insurgents in private. However, opposition non-state actors presented significant challenges. Two political incidents, in Cheju in April and in Yeosu on October 1948, elicited a violent response from the Lee government. This reaction represented the domestic conflict caused by the lack of political legitimacy. Following the Yeosu incident, the Lee government established the National Security Law in December 1948.

The Lee government utilised the National Security Law (NSL) to suppress opposing political parties and their members. The NSL was reinforced as a result of the Korean War. During the war, the Lee government punished 550,915 people as traitors, and 869 people were executed based on the NSL (Park, 1989, 22; the Ministry of Home Affairs, 1973, 180). For instance, the opposition leader of the Progressive Party Cho Bongam was executed in 1959 for charges brought under the National Security Law on claims for peaceful unification. He was only a moderate centrist politician, but was seen as a political rival to Lee Seung-man, which was the real reason why he was eliminated (Choe, 2007, 67). Consequently, opposition groups including both the nationalists and communists identified the Lee government as pro-Japanese and anti-nationalist.

The original aim of this law was to protect national security and outlaw communist groups including the South Korean workers party (the Supreme Public Prosecutor's office, 1976, 266-267). This law originated from the Japanese colonial government before liberation. After the National Security Law was established, 118,621 people were arrested for violating its code of conduct within the first year of its application. 80 percent of detainees were reported as being members of leftist groups (the Ministry of Home Affairs, 1973). According to the Truth and Reconciliation Commission under the newly revised National Security Law, over 100,000 members of the National Guide League, representing leftists converted to anti-communism, were executed in July 1950. However, in 1950 the total number of political prisoners in Southern jails was only 30,000 and the rest of the inmates were just ordinary citizens (Hanley and Chang, 2008).

To sum up, through decolonisation from 1945 to 1948, domestic political actors combined external anti-communist norms with nationalism in the pursuit of their own political interests. Furthermore, there was external pressure from the US military government which was seeking to internalise its
own dominant anti-communist norms. Consequently, the Lee government-supported by the United States military government, adopted anti-communism and successfully installed it as the dominant state norm. It was then deeply internalised by South Korean society following the events of the Korean War.


Studies of nationalism in South Korea have assumed that this has the character of ‘cultural nationalism’ (Hwang B, 1993; Park H, 1997) and ‘Third World’ nationalism (Lee Y, 1977). These two accounts imply that a positive or progressive nature is a tool for national liberation at the international level, and that a negative nature is a tool used to reinforce authoritarian regimes at the domestic level. Both characteristics had formed an important element within analytical frameworks by the 1980s (Kim J, 1999). In the 1990s, studies of nationalism in South and North Korea developed both in terms of quality and quantity. Kim Jeong-hun (1999) provides a typology based on the nature of Korean nationalism during the modernist and post-modernist eras.

On the one hand, modernist scholars regard national unification, modernisation and democratisation as the essential purpose behind political nationalism (Choe, J 1996; Park, M, 1996, Kim D, 1996). Park Myeong-gu (1996) argues that Korean nationalism is not only a socio-cultural resource for national unification, but also an indispensable element. Choe (1996) points out that nationalism is best understood as a valuable national property, which helps to achieve national unification. On the other hand, post-modernist scholars define nationalism as the logic of identification (Cho HJ, 1996; Kwon HB, 1994, 1995). They focus on nationalism as a dimension that depresses other identities. It is argued that the macro identification discourse of nationalism destroys variety of life. Kwon Hyeok-beom (1994) argues that ‘nation and state’ as a macro collective ideology is the significant element which has deconstructed our community and inner life, thus alienating us from international society. Cho Hae-jeong (1996, 67) points out that we should therefore deconstruct nationalism which is the outcome of colonized modernisation, and look for alternative ways to build up a steady foundation for civil society. However, Kim JH (1999) argues that post-modernists confuse the meaning of ‘nation’ with ‘state’.

Some scholars have attempted to explore the reciprocal relationship between individual rights and nation. Ignatieff (1995) puts forward the concept of ‘civic nationalism’, where he defines ‘nation’ as a community that should be formulated regardless of race, colour, creed, gender, language or ethnicity. The word ‘civic’ implies that the nation refers to ‘a community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values.’ He insists that some elements of this ideal were first achieved in Great Britain. By the mid-eighteenth century, Great Britain was already a nation state consisting of four separate nations: the Irish, the Scots, the Welsh and the English - united as a civic community rather than an ethnic community of belonging (Ignatieff, 1995, 3).

Ignatieff(1995) maintains that in order to live cosmopolitan lives, we should acknowledge the necessity of nations. Furthermore, it is the duty of its citizens to grant the nation the capacity to offer security and rights to those individuals. In addition, he argues that a civic nationalism is a credible antidote to ethnic nationalism and that the only way to secure peaceful coexistence between ethnic groups is to generate shared loyalty to the nation. This study provides some insightful empirical work which underpins the possibility of reciprocity between individuals and nations. For instance, most new born nation states seem to provide protection for minority rights by emphasising the idea of a society of civic equals (Ignatieff, 1995).

The most important point is that being able to choose self-definition is close to the individual right in democratic systems (Tamir, 1995, 7). Both Fascism and Nazism were based on nationalism, and in this instance, it was used to force individuals into choosing the norms or values of the nation,
regardless of individual willingness and thus their nationalism conflicted with liberal values. On the contrary, if an individual chooses the norms or values of a nation on the basis of self-definition, it would not be necessary for liberal and nationalist norms to confront each other.

This section provides the interpretation of Kim Dae-jung based on liberal nationalism. This section explains the development of liberal nationalist agents within Korean civil society during the contemporary period. It selectively accounts for certain important historical moments in which nationalist agents showed significant change. It begins by explaining Korean nationalism based on previous literature.

**The emergence of liberal nationalism with Democratization**

Military regimes (1959-1987) stigmatised many civic organisations as being DPRK spies if they resisted their rule. As a result, the identification of civic organisations as an enemy proceeded throughout the Cold War. In articulating the identity of an enemy, military regimes - the Park dictatorship regime (1960-1979) in particular - treated the requirement of unification and democracy from civic organisations as anti-state behaviour. Ironically, it repeatedly used the discourse of nationalism to mobilise the population for economic development and the construction of an anti-communist state.

With the Gwangju uprising in May 1980, Korean nationalism intensified by integrating with anti-Americanism (Shin, 1995). In May 1980, the Chun Doo-huan military regime arrested the former 1971 Presidential candidate and leader of the Kim Dae-jung opposition under charges of conspiracy for rebellion. In response to his arrest, people in Gwangju raised a demonstration against the military dictatorship but this was violently suppressed by the regime. In the process of suppression, over one thousand local civilians were killed or injured by state forces (Shin, 1995). At the time, the US had taken War-Time Operational Control in Gwangju and therefore the Chun military regime would not have been able to initiate a military operation without the approval of the US. This crucial fact became the main reason why South Korea re-identified the US. South Korea had previously believed the US to be a great supporter of Korean democracy, but this event revealed that the US was in fact supporting the violent oppression of the current military dictatorship. Furthermore, Korean people began to reconsider the role of the US during the process of decolonisation and the Korean War (Shin, 1995).

The success of the Great Struggle in 1987 resulted in a divergence of non-state political groups that had driven the democratic movement. The Great Struggle in 1987 provided both civil and political society with an opportunity to remove the military regime ruling in South Korea (Koo, 2001, 189). In the preceding period of military dictatorship, the extremely rapid economic development ironically brought about the growth of the middle class and civil society. This change in social structure influenced civil society and resulted in tensions which eventually exploded with the Great Struggle in 1987.

The fulfilment of democratisation was the collective goal for various political groups, while the existence of a military regime minimised the ideational difference between them. However, once they had accomplished their collective goal to overthrow the dictatorship, they then began to diverge over the next set of aims. Marxist groups were focused on revolutionising the ROK on the basis of labour class. They paid little attention to national issues because they took class issues to be the most fundamental problem in the ROK. On the contrary, left nationalist groups and moderate nationalist groups both pursued a national unification movement and further democracy (Shin, 1995). Moderate nationalist groups, mainly Kim Dae-jung's political party, and left nationalist groups both shared the beliefs that the NSL should be abolished and that the Armistice Agreement should be replaced with a treaty for peaceful unification. Despite these shared goals, each group adopted very different approaches and methods in order to achieve them.
This transformation in political structure contributed to the institutionalisation of liberal nationalism in the ROK. Opposition political parties promoted legal reform and the criminal investigation of state actors at the National Assembly from 1988 to 1991. In terms of legal reform, they ran a referendum to change the Constitution, newly established the IKECA and reformed the NSL. As a result, these legal reforms enhanced liberal nationalism by way of its liberal values (individual autonomy) and nationalism (inter-Korean cooperation). In terms of the criminal investigation of state actors, a number of special committees were formed to investigate corruption and criminal action. In particular, they concentrated on the role of the Chun Doo-hwan military regime in the Gwangju incident in May 1980. Various committees were also established to reform the current democratic system, unification policy and regional discrimination. The legal changes made at this time helped to construct the foundation for new state identity.

However, the institutionalisation of liberal nationalism was constrained by the promotion of a political coalition without a prior policy agreement. The two opposition political parties of Kim Young-sam and Kim Jong-pil had merged with the ruling party Rho Tae-woo that had been a military regime in 1991. The coalition of these political parties prolonged the power of anti-communist groups and Kim Dae-jung’s party was the only core opposition party left to challenge the coalition party. Consequently, the new coalition party named the Democratic-Liberal Party (DLP) could dominate well over two-thirds of the seats in the National Assembly. The DLP became the foundation for a conservative party that continued to follow anti-communist policies in the post-Cold War era, while Kim Dae-jung’s party became the foundation for a progressive party following liberal nationalism.

It is very important to understand why Kim Dae-jung and his political party became the representative of liberal nationalism at this moment. These events resulted in the diversification of liberal nationalism’s main agents and the outcome of this diversification surfaced through the identity of the Kim Young-sam and the Kim Dae-jung governments within inter-Korean relations. In particular, the Kim Young-sam government could not develop a consistent policy towards the DPRK due to competition between anti-communism and liberal nationalism within the government itself, as explained in chapter three. Kim Young-sam and his political party could not maintain the underlying norm that they followed; rather, Kim Dae-jung and his political party maintained their own underlying norm and even enhanced national values by converging nationalist civic societies since the turning point that transferred social and political structure in South Korea.

**Discursive competition**

The Kim Dae-jung government reinterpreted its state self-identity. Individual actors strategically reconfigured preferences, identities and the social context (Finnemore and Sikkink, 1998). By creating and promoting the Sunshine Policy, Kim Dae-jung and Lim Dong-won strategically sought to replace the Cold War identity with a post-Cold War identity. The following section demonstrates how the Sunshine Policy contains liberal nationalism in its discourse. Chris Browning (2006) argues that discursive power originates from the re-interpretation of a state’s self-identity to decide its position and shape foreign policy in global and regional politics. Previous anti-communist governments had never tried to lead other countries within the region by shaping a creative foreign policy. This is because they interpreted the ROK’s state self-identity as being weak, and that it could only follow more powerful countries and especially the US in terms of foreign policy. However, the Kim Dae-jung government was able to lead on a foreign policy within the region due to a new state identity being formed.

Three fundamental principles of the Sunshine Policy provide important logic with liberal nationalist advocates in discourse competitions with anti-communist advocates. The first principle is that the ROK will not tolerate any military threat or armed provocation by North Korea. This principle has a logical effect of defending the Sunshine Policy from the potential critique that the engagement policy
would bring the absence of national defence from the potential attack of the DPRK. Thus, President Kim Dae-jung emphasised the first principle with ROK's superiority in military terms. This principle provided a defensive logic and practical strategy, 'separating economy from politics,' to counter any anti-communist criticism of the Sunshine Policy relating to DPRK security issues. Secondly, the ROK officially abandoned the idea of 'unification by absorption' as well as negating any other measures that undermined or threatened North Korea. And thirdly, the ROK now promoted exchanges and cooperation through the resumption of the 1991 Basic Agreement on Reconciliation, Non-Aggression, Exchange and Cooperation (Government of the People, 1999, 64-65).

The Sunshine Policy reflects liberal values including the facilitation of exchange between private enterprise and civil actors rather than state-oriented exchanges. Previous governments advocated state oriented inter-Korean relations; 'government first, civil society later', 'political economic linkage', and 'the primacy of mechanical reciprocity' (Moon, 2001, 283). By contrast, the Sunshine Policy contained enlargement of individual roles in inter-Korean relations through economic and cultural exchange between private actors regarding private enterprises and non-governmental organizations.' It emphasised the reinforcement of civil rights on exchange and economic cooperation with the DPRK for the goal of national unification in the long term. The Sunshine Policy can therefore be characterised as being a proactive unification policy underpinned by non-state actors. A proactive unification policy refers to the pursuit of nationalism, and the initiative of non-state actors can be interpreted as a meaning of 'liberal' above.

A great deal of literature has tackled the importance of Kim Dae-jung and the US minister’s new interpretations of the DPRK leader's character, made in order to shape a new bilateral state identity (Park K.Y. 2001; 85). President Kim Dae-jung widely publicised his new evaluation of Kim Jong-il, the DPRK political leader. This interpretation, given in Kim Dae-jung's speeches, directly functioned to shape a new state identity. For example, in an interview with Japan's Tokyo Broadcasting System (TBS) on 9 February 2000, he stated: 'I understand that Kim Jong-il, general secretary of North Korea Workers' Party, has good judgment and insight as a leader' (Park K.Y. 2001; 85). He also described Kim Jong-il as 'a most intelligent' leader (Financial Times, 25 January 2003). This interview statement was made in anticipation of the inter-Korean summit in June 2000. The Inter-Korean summit provided the perfect opportunity to present a new DPRK image in conversation with Kim Jong-II, which would be broadcast globally through the media. However, these discourses are independent and do not form a part of the Sunshine Policy.

Discursive formation of the Sunshine Policy

The Sunshine Policy was initially publicised by Kim Dae-jung’s speech at the Heritage Foundation in Washington, D.C. on September 30th 1994. When the first North Korean nuclear crisis occurred in 1994, Kim Dae-jung suggested that 'America must be patient and stick to the 'Sunshine Policy' which proved to be the only effective way to deal with isolated countries.' When Kim Dae-jung was elected as President in 1997, the Sunshine Policy became the official policy throughout his term in office.

In order to reinforce the Sunshine Policy, President Kim Dae-jung constantly publicised its discourse through speeches, media interviews, publications, official documents and so on. He constantly tried to create a coherent connection between the Sunshine Policy and the ideas of 'separation economy from politics', 'give first, take later', and 'civil society first, government later'.

The purpose of the Sunshine Policy was to construct the foundation for a peaceful Korean unification by overcoming a vicious cycle of negative and hostile actions (Moon, 2001, 282). According to Lim Dong-won (2008, 743-75), the ROK attempted to maintain a negative form of 'passive peace', which basically refers to the reinforcement of a cease-fire agreement. He argues that the ROK needed to create an active and 'constructive peace' that would fundamentally solve the current security threat.
Lim (2008) argues that the ROK needed to pursue ‘constructive (active) peace’ in order to solve the fundamental security threat represented by the DPRK. To bring about active peace meant the end of a cease-fire agreement and the establishment of a peace agreement. For this to be realised, it was necessary to remove the security threat through a process of denuclearisation and arms control. This would effectively end the state of confrontation that existed between two Koreas.

Creating active peace is a way of overcoming national division and achieving unification. Reunification is a gradual process and before official unification, ‘de facto unification circumstances’ should be realised so that both Koreas can interact. Achievement of a ‘de facto unification’ is not the way to achieve a peace agreement (peaceful system) or fix national division, but rather, it constructs ‘a peace agreement that pursues unification’ (Lim, 2008, 87).

Externalization of Liberal Nationalism through discursive competition

The ‘pre-occupied’ discourse which was based on anti-communist views towards the DPRK contained two logics after the Cold War. First, there was the belief that the DPRK would soon collapse, and that DPRK possessed an unchangeable irrationality. Anti-communist norm transferors in the ROK shared these two fundamental ideas with the containment policy advocates who formed US hardliner groups. The following section will look at how the fundamental logic of previously established discourse on the DPRK gave strength to the containment policy advocates.

Firstly, policy toward North Korea functioned on the basis that the state would collapse in the short term, an idea that had been generated by groups who maintain a Cold War identity. Since the death of the country’s founding leader Kim Il-Sung in July 1994, many observers had expected the collapse of North Korea. Foster-Cater (1994, 32) described these beliefs as follows:

“Economic contraction at around five percent annually must eventually precipitate an explosion and collapse of the economy.... This will trigger political protest and action, in either or both of two forms - an inter-elite coup, probably military, or grassroots protest. Either way, the North Korean regime will be overthrown. As in Germany, there will then be a strong popular demand for immediate integration. This will be irresistible”

This pessimistic perspective on North Korea was wide-spread in both scholarly and official groups and also among the South Korean public itself (Noland, 2002, 14-15). The American analyst, Nicholas Eberstadt, indicated that, ‘There is little reason at present to expect a reign by Kim Jong-Il to be either stable or long’ (Eberstadt 1995, 139). South Korean scholar and diplomat Kim Kyung-Won pointed out that ‘there is a real possibility that Kim Jong-Il may find himself on the way out in the next few years, pushed out by reformists or military hardliners. More likely, if he is forced out it will be by a coalition of different elements united in one thing only: the judgement that Kim Jong-Il is incompetent’ (Kim, 1996).

Such a negative viewpoint was shared by senior officials in both the Kim Young-Sam and Clinton governments. In a reflection of this mindset, they also expected North Korea to collapse before they could construct two nuclear reactors, which were outlined in the October 1994 Agreed Framework. Accordingly, they thought that by the time this project was to be completed, North Korea would be under a Seoul-based government as part of a unified peninsula (Maxwell, 1996; Green 1997; Oberdorfer, 1997).
This view greatly influenced the promotion of a North Korean policy during the period of the Kim Young-sam government. The agency of the Kim government had a ‘systemic identity’ because the majority of his group had worked for the previous militaristic governments. For example, Prime Minister Lee Young-duk argued that Kim Il-sung was an enemy of the nation and thus joined those who claimed Kim should be charged. This aggressive attitude met with a strong response from North Korea. According to Selig Harrison (2002), President Kim expected North Korea to collapse after the death of Kim Il-sung and tried to encourage it through unofficial activity.

Secondly, previous studies describe the different nature of the DPRK as being irrational or abnormal. These reports make behavioural assumptions about the psychology of the North Korean leadership. Some assume that the DPRK leaders had intensively preferred unifying the peninsula, and that Kim Il-Sung and his predecessor Kim Jong-il were both ‘impulsive and eccentric’ (Thornhill and Ward, 2002). Moreover, the DPRK has been portrayed as a nation of “paranoid survivalists” (Olsen, 1986, 851) and “a renegade state” (Spector and Smith, 1991:8). These approaches deal with the rhetorical style and financial irresponsibility of the DPRK. However, this evaluation pales beside international public opinion, which focuses on the inexplicable spasms of violence perpetuated by the DPRK (Perry, 1990, 188).

Regarding the perception of the DPRK’s identity, containment policy advocates (Bolton, 2007; Eberstadt, 1997; Hwang, 2006; Nam, 2006; Niksch, 2003; and Sokolski, 2001) have claimed that its leadership is ‘essentially depraved, unstable and too unreliable for meaningful negotiations’ (Han, 2009). Emphasis is put on the DPRK’s abuse of human rights, for example its ignorance of the serious famine within its population and its public (open) support of terrorism.

These advocates believe that taking an inflexible and aggressive stance will lead the regime to surrender, mainly as a result of severe economic sanctions, and this would cause its eventual collapse. Nam (2006) has argued that the Six-party talks would not solve the fundamental problem of the DPRK’s nuclear weapons because it has aggressive intentions. Some scholars have put forward the argument that providing economic humanitarian aid to DPRK’s starving citizens would just help the North Korean regime to maintain its survival (Hwang, 2006). As one of these hardliners, Bolton (2007) claims that the Six-party talks are already a bad deal and will become a dangerous deal.

Kang (2003, 303) argues that ancillary and ad-hoc hypotheses about preferences have been brought into theory and applied to the Korean case. Psychological assumptions that consider the North Korean leadership to be irrational have contributed to policy development that has an extremely strong preference for expansion or invasion. Despite the fact that war prevention and power transition theories focus on the material conditions of relative power, the real analytic shift comes from behavioural assumptions that focus on intent. Behavioural assumptions about the DPRK serve to reinforce the arguments of advocates rallying for a strong containment policy. If the DPRK's nature is deemed unchangeable, the logical and best conclusion is to lead it to collapse (Smith, 2000).

Externalizing Liberal Nationalism through discourse competition

It is important to ensure the public understand the contents of a policy for it to be promoted effectively. In particular, when a pre-existing ideational structure (social identity and norm) constrains the promotion of new policy, discursive representation of policy becomes more important. According to Tony Blair, ‘ideas need labels if they are to become popular and widely understood. The “Third Way” is to my mind the best label for the new politics which the progressive centre-left is forging in Britain and beyond’ (Fairclough, 2000). According to Finnenmore and Sikkink (1999, 897), norm entrepreneurs pay attention to issues or even generate issues ‘by using language that names, interprets, and dramatises them, and generating cognitive frames is a necessary element of norm entrepreneurs’ political strategies.’
Kim Dae-jung created a name for his engagement policy based on liberal nationalism in the post-Cold War period. This name, attached to the Sunshine Policy, was based on a conventional story taken from *Aesop's Fables*. This story consists of two components which helped to simplify the logic of his engagement, and to persuade state actors such as policy makers, scholars and the media, who were currently supporting a containment policy towards North Korea.

In the Aesop Fable used by the Sunshine Policy, a traveller showed a different aspect to the 'Sun' and the 'Wind'. He did not remove his clothes and held onto them tightly when the 'Wind' blew strongly. However, he took them off when the sun shone on him. In the story he was not described as being a stubborn or unpredictable person. He was just an ordinary man responding to the weather and surrounding environment like any other person would do. The moral of the story was that he reacted defensively to the wind simply because he felt the bite of the cold, but opened up when he felt the warmth of the sun.

> 'The North Wind tried first, he blew violently. As the man clung to his clothes, the North Wind darted and attacked him with greater force. But the man, uncomfortable from the Cold, put on more clothes...The Sun now shone moderately, and the man removed this extra outer cloak. Then the sun darted beams which were more scorching until the man, not being able to withstand the heat, took off his clothes and went to take a dip in a nearby river.'

(Aesop, 1998, 24)

Creating an association between the story and the DPRK situation thus casts a doubt on the suggestion that North Korean reactions were the mark of madness. This story implicitly illustrates two key points. Firstly, the main factors causing the traveller's different behaviour are both external; the 'Sun' and the 'Wind'. The traveller is merely a neutral actor responding to external factors. This part of the story symbolised North Korea as a normal state just like the traveller and therefore its behaviour would also change according to external conditions. Secondly, the story describes the image of the 'Wind' as a loser who lost in the game against the clever 'Sun'. The Wind created an association with the actor supporting a containment policy towards North Korea, thus suggesting that they were the most likely to lose. Using this tale to name their engagement policy, the Kim Dae-jung government was then able to explain its complexity. As a result, it was able to alter perceptions about the DPRK's identity, which had seen it as one of the most notable causes for security concerns on the Korean peninsula.

The major cognitive effect of this name was to move attention away from the intrinsic condition to extrinsic factors in the context of Korean peninsula security. Additionally, it helped to alter the image of state actors, the DPRK and the containment policy groups. The Sunshine Policy discourse applied two components as a tool to deconstruct the logic of anti-communism. Firstly, its story contributed to the transition of the North Korean image from an abnormal to a normal state. A great deal of previous literature had emphasised the pessimistic perspective regarding the DPRK's survival as well as the psychological and problematic character of its leaders. For example, in the beginning of the 1990s when North Korea had faced a severe political and economic crisis due to the death of Kim Il-sung as well as a natural disaster, many scholars argued that there was a strong possibility of insecurity, which would lead to its collapse. They also said that the DPRK's behaviour was unpredictable (Kang, 2003). The most significant reason given for North Korea's unpredictability and lack of security was blamed on the personality of its leader (Smith, 2000; Kang, 2003). They argued that the North Korean leader was irrational and could decide to go to war at any time because he suffered from a mental illness.
The cognitive effect of the 'Sunshine Policy', based on the moral story, was reinforced by combining it with the successful diplomatic history of the US in dealing with former socialist countries such as the Soviet Union, China and Vietnam. By highlighting these cases, Kim Dae-jung created an argument, which suggested that countries were changed by warm sunshine rather than a bitter wind, and therefore an engagement policy towards North Korea was much more likely to bring about change. Kim Dae-jung attempted to associate successful engagement experiences with the name of the Sunshine Policy.

By combining with the successful diplomatic history of the US, Kim was able to reinforce cognitive effect. This reinforced a belief that the DPRK had the potential to successfully reform its economy and achieve diplomatic normalisation like other communist states like China and Vietnam that were achieving 'gradual growth.' In his biography, Kim Dae-jung said that he combined the Sunshine Policy with America's successful diplomatic experiences during an official meeting with the former US President Bill Clinton on June 9 1998, and a meeting with the former US President George W Bush (Kim, 2010b). Moreover, the logic of the story directly reflected on the Perry Report which will be dealt with in the next section.

In terms of its cognitive effect, the naming of the Sunshine Policy had the pronounced psychological effect of neutralising the pre-existing image of the DPRK. Previous literature had made a negative psychological evaluation of the DPRK’s behaviour. For example, the theory of its leader being a desperate madman was used to support a pessimistic view of the survival of the DPRK (Kang, 2003). This psychological approach enabled the leader of the DPRK to be portrayed as an abnormal person with mental problems and therefore unable to manage the state. This evaluation resulted from a lack of credible information as well as extreme prejudice. However, it was still very effective at creating a certain image of the DPRK, which led policy makers to adhere to a harsh containment policy (Smith, 2000). Naming Kim Dae-jung’s policy evokes a conventional story as well as positive historical experiences associated with former socialist states. This helped to neutralise the pre-existing image of the DPRK. In addition, the emotional neutralisation of the DPRK reinforced a deconstruction of pre-existing logic so that a new one could be built.

The naming effect of the Sunshine Policy also contributed to the deconstruction of the central logic surrounding anti-communism, which had problematized the nature of the DPRK while espousing US dependence in dealing with Korean peninsula security. The Sunshine Policy also helped to re-conceptualise the different values presented by anti-communism, for example, the abnormality of the DPRK versus the normal anti-communists was reversed to become the abnormal anti-communist versus the normal DPRK. By reversing the different system of liberal nationalism, the DPRK was now normal and the containment policy advocates abnormal. These new concepts constructed by the cognitive effect of the Sunshine Policy increased its logical power to shape the preferences of policy makers and scholars within international politics. In other words, the name of the Sunshine Policy contributed to the deconstruction of pre-existing logic (Derrida, 2001) and re-conceptualisation of the opposition in different systems (Foucault, 1986).

The background narrative utilised by the Sunshine Policy had a cognitive effect which resulted in a review of the previous containment policy towards the DPRK. It did this by recreating the image surrounding its leader and by reconsidering the causal relations involved with DPRK issues. The new cognitive framework of the Sunshine Policy was enhanced by interpretive discourse relating to the Cold War structure, which was the key concept used by liberal nationalist norm transferors, Kim Dae-jung and Lim Dong-won. The next section demonstrates the role of interpretative discourse regarding the Cold War structure.

With regard to Korean security issues, the previous section showed that a pre-occupied discourse on the DPRK revealed a fundamental difference between anti-communists and engagement policy advocates. Anti-communist norm transferors regarding political parties and the media in South Korea
retained their assumption that the nature of DPRK was the cause of security concerns on the Korean peninsula. According to this group's evaluation, the DPRK is not a rational actor, and its nature originates from a ‘mad and bad or sad’ dictatorship (Smith, 2000). This means that the DPRK should not be considered as a negotiable actor, nor should it be trusted and must be removed in order to solve Korean peninsula security concerns. This rhetoric pointed to containment policy as the only appropriate solution towards the DPRK.

The Kim Dae-jung government and the liberal nationalist coalition in South Korea felt that security tensions were rooted in the Cold War structure. In addition, certain Democratic Party groups, such as the Clinton government, agreed with these assumptions. To re-conceptualise security concerns in the Korean peninsula, the liberal nationalist norm transferors mentioned above the Cold War structure to explain the Korean peninsula security concerns. Cold War structure is the key concept of the Lim Dong-won report titled the ‘Comprehensive approach.’ This report points to five elements including the antagonistic identity between the two Koreas, an absence of diplomatic normalisation between North Korea, the US and Japan, an absence of the structural conditions needed for the change of the DPRK, the presence of an arms race and armistice. In other words, these security tensions did not arise from within the country but were in fact a result of structural obstacles in terms of diplomatic relations, international institutions and military competition between the two Koreas, the US and Japan.

President Kim Dae-jung initially announced the removal of the Cold War structure on the Korean Peninsula in an interview with CNN on May 5th 1995. In order to deconstruct the Cold War structure in terms of reconciliation and cooperation between the two Koreas, Kim Dae-jung emphasised the fulfilment of the Basic agreement of 1991 between South and North. President Kim Dae-jung pointed out that every country involved in the Korean peninsula has responsibility to fulfil their agreement with other countries: both Koreas’ responsibility for the Basic agreement of 1991, the responsibility of the US and North Korea for the Geneva agreement and, further, the responsibility of all members of international society for interaction with North Korea. The most significant point is that he emphasised mutual effort to avoid an uncontrolled arms race, which meant that the responsibility for avoiding arms racing or military concerns lay not only with North Korea, but on the other countries engaged in the Korean peninsula comprising South Korea, Japan, the US, China and Russia.

Secondly, in terms of diplomatic normalisation between North Korea, the US and Japan, he emphasised the fulfilment of the Geneva agreement in developing these relations, thus reducing the threat to each other. In the Comprehensive Approach, Lim Dong-won emphasised mutual threat. ‘While the US and North Korea reduces mutual threat, they need to build up trust in the way of ‘give and take.’

Thirdly, in terms of creating an environment for North Korean reform, he emphasised the need for openness, which fostered a feeling of safety for the DPRK. Lim Dong-won's approach argues that the elimination of the threat that the DPRK perceives is essential to solve the Korean peninsula security concern. ‘In order for the US to eliminate the threat from North Korea’s nuclear weapon and long-range missile, it must eliminate a security threat that North Korea perceives.’ To play a role as a member of international society, countries relating to the Korean Cold War structure (the US, China, Japan and Russia) and possibly countries further afield need more countries need to promote interaction between North Korea and themselves.

Fourthly, he emphasised the fulfilment of arms control, controlling and removing the WMD. These are the essential tasks for diminishing the Cold War structure on the Korean peninsula as well as a precondition for the Peace treaty.

Lastly, he emphasised that the achievement of the Peace treaty will lead two Koreas to a de facto unification. The perspective of the Kim Dae-jung government on Korean security contains the concept
of liberal nationalism as outlined in the previous chapter, by which others’ national sovereignty should be respected. The structural approach to Korean security issues focuses more on creating equal relations and mutual responsibility between members of international society.

The Lim Dong-won report also emphasised mutual responsibility rather than just a one-way focus on the DPRK in the line, ‘the US and Japan do not recognise North Korea yet and maintain hostile relations (with North Korea) and the Cold War.’ On the basis of mutual responsibility, Lim suggests that adopting a reciprocal solution for the Korean peninsula security concerns would be the best in terms of negotiation strategy. He notes, ‘we need to build up trust in each other with a step by step and give and take approaches in a reciprocal gesture.’

The following empirical case demonstrates how the discursive formation of the Sunshine Policy was externalised through an external norm transferor, Dr. William Perry, who was the Special Policy Coordinator for the team reviewing North Korea policy in the Clinton government. By investigating this case, the next section will illustrate the discursive competition between anti-communist norm transferors and liberal nationalist norm transferors.

**Competition between the Perry Report and the Armitage Report**

As the previous section showed, the Perry Report strongly underlined maintaining an engagement policy in competition with the hard-line advocates in the government, Congress and the press during the early the Kumchangni nuclear site and Taepodong missile issues. Before the Perry Report was published in October 1999, the Armitage Report, ‘A Comprehensive Approach to North Korea,’ was published by Ambassador Richard L. Armitage³ with expertise on the DPRK underlining the Republican Party (Lim 2008, 416). The Armitage Report contained the fundamental logic of containment policy advocates, in particular, the Republican Party. Thus, by juxtaposing both policy reports, we can examine how the discourses of liberal nationalist norm transferors deconstructed the discourse of containment policy advocates sharing common state identity toward the DPRK with anti-communist norm transferors.

The Armitage Report shares common ideas with the Perry Report; the possibility of the continuity of the DPRK in the long term, the importance of a comprehensive diplomatic approach and the significance of cooperation with allies. However, there are fundamental difference in the identification of the DPRK, mutual/unilateral position of policy promotion and the post-diplomacy solution.

In juxtaposing the two reports, the next section briefly shows how the Armitage Report shares its perspectives on the DPRK with anti-communists, while illustrating how the discourse of the Perry Report deconstructs counter-discourse of the Armitage Report in competition between two dominant norms.

**Anti-communist value in the Armitage Report**

Before starting to juxtapose the discourse of both reports, this section will demonstrate the association of the Armitage Report with anti-communist norms.

“At the same time, Pyongyang has spurned the political overtures of the most conciliatory president in the history of the Republic of Korea, Kim Dae Jung. President Kim has written volumes on Korean unification, including plans for reunification that are similar to those offered by the late Kim Il Sung. The unwillingness to deal seriously with Kim Dae Jung suggests a fundamental fear that North-South reconciliation would undermine the legitimacy of the regime in Pyongyang.”

-The Armitage Report, 1999, pp. 2-3-

³ Armitage was President of Armitage Associates and a former Assistant Secretary of Defense for International Security Affairs. He was Deputy Assistant Secretary of Defense for International Security Affairs (1983-1989), and was Vice Minister of Defense under the George W Bush government.
The Armitage Report identifies Kim Dae-jung with Kim Il-Sung in terms of unification theories. This seems to be familiar with the anti-communist group’s logic when manipulating Kim Dae-jung’s identity. As chapter three demonstrated, during the Presidential elections of 1971, Kim Dae-jung as candidate created a unification theory that stood in support of the three-step unification theory (peaceful cooperation, the expansion of peaceful exchange, and a peaceful reunification with the four great powers represented by China, Japan, America and the USSR). Anti-communist political groups claimed that Kim Dae-jung’s discourse on this theory was the same as North Korea’s (Dong-ah newspaper, 1971). Nevertheless, Kim Dae-jung had announced the ‘Federal Republic system’ seven years earlier than North Korea’s discourse regarding the (Korean) Federal system (Monthly Chosun, 1992).

‘President Kim’s Sunshine Policy (now known as the Engagement Policy) has established a formula for reconciliation on the peninsula, while deferring the ultimate goal of reunification as a practical matter. To date, Pyongyang has responded to Seoul’s economic, social, and cultural nongovernmental overtures, but has rejected any political reconciliation with South Korea. Moreover, as evidenced by recent incidents of military infiltration, it continues its aggressive behavior…..The notion that buying time works in our favour is increasingly dubious. A growing body of evidence suggests that it is North Korea that is buying time-to consolidate the regime, continue its nuclear weapons program, and build and sell two new generations of missiles, while disregarding the well-being of its 22 million people. There are also no signs that the regime is contemplating any radical market-oriented reforms. Instead, forced by necessity, it is experimenting at the margins with modest reform to alleviate food shortages at the local level and gain hard currency.’

-The Armitage Report, 1999, p. 3-

The Armitage Report implies that the DPRK could not be changed due to its behaviour. It anticipates that the Sunshine Policy will not be effective on the basis of ‘recent incidents of military infiltration’, which refer to the Kumchangni issues. By providing uncontested evidence for the development of nuclear program at Kumchannni (that was later proved to be wrong), it argued that the DPRK’s ‘aggressive behaviour’ would continue to develop. In addition, the report stated that the DPRK does not have any fundamental demands for economic reform, rather, it is only ‘forced by necessity, it is experimenting at the margins with modest reform to alleviate food shortages at the local level and gain hard currency.’ In other words, the Armitage Report shares a common perspective with anti-communists in the ROK. The Armitage Report basically surmises the future behaviour of the DPRK based on perceptions at that time. In addition to this, it expects the Sunshine Policy to be ineffective based purely on the interpretation of uncontested evidence for nuclear program at Kumchangni. With reference to the Kumchangni issue, the report indicates a belief that the DPRK’s nature is still hostile ‘as evidenced by recent incidents of military infiltration, it continues its aggressive behaviour’. By providing uncontested evidence (Ahn, 2006; Lim, 2008), the report argues that the DPRK’s ‘aggressive behaviour’ will continue. In addition, it argues that the DPRK has no intention to reform its economy but rather it simply emphasizes North Korea’s intention of ‘buying time to consolidate the regime’, and potential danger of North Korean missiles. The report evaluates the behavior of the DPRK on the basis of uncontested information, which has been interpreted through a specific set of perceptions. The Armitage Report shares a perspective common with anti-communists in the ROK, that the DPRK is aggressive and that there is no possibility of changing its behavior.

By contrast, the Perry Report focuses on the political and economic conditions of the DPRK, which affects its actions. The Perry Report starts by outlining its concerns with the Kumchannni nuclear site and long-range missile development in the ROK, a view that is shared with the Armitage Report. However, it also attempts to review ‘recent DPRK conduct’ in relation to the Kumchannni site issue from a neutral position. ‘In many ways the unknowns continue to outweigh the known…… no U.S. policy should be based solely on conjectures about the perceptions and future behavior of the DPRK.’ This discourse deconstructs the Armitage Report.
perspective stated ‘as evidenced by recent incidents of military infiltration, it continues its aggressive behaviour’. Moreover, the Perry Report focuses on the impact of political and economic conditions showing that ‘the DPRK economy has deteriorated significantly, with industrial and food production sinking to a fraction of their 1994... a humanitarian tragedy.....doubtless affects some of the actions of the North Korean regime.’ This is in direct contrast to the focus of the Armitage Report, which highlights the impact of the DPRK’s military behavior on its own economic poverty – ‘(The DPRK) constantly develops its nuclear weapons program, and build and sell two new generations of missiles, while disregarding the well-being of its 22 million people.’

‘Based on extensive consultation with the intelligence community and experts around the world, a review of recent DPRK conduct, and our discussions with North Korean leaders... But in many ways the unknowns continue to outweigh the knowns. Therefore, we want to emphasise here that no U.S. policy should be based solely on conjectures about the perceptions and future behavior of the DPRK......North Korea is thus governed by a different leadership from that with which we embarked on the Agreed Framework. During this same period, the DPRK economy has deteriorated significantly, with industrial and food production sinking to a fraction of their 1994 levels. The result is a humanitarian tragedy which, while not the focus of the review, both compels the sympathy of the American people and doubtless affects some of the actions of the North Korean regime.’

-The Perry Report, 1999, p. 7 –

As mentioned in the previous section, it is most important that the Perry Report chooses to adopt the Sunshine Policy perspective, which perceives the sense of threat felt within the DPRK. ‘The reduction of perceived threat would in turn give the DPRK regime the confidence that it could coexist peacefully with us and its neighbors, and pursue its own economic and social development’. It insists that the DPRK would be able to pursue its own economic and social development if this perceived sense of threat were to be reduced. This statement is based on the justification that the DPRK has not been able to promote economic and social development due to the external threat it perceives. This statement deconstructs the logic of the Armitage Report, which states that the nature of the DPRK is what constrains it from pursuing economic development.

In terms of a post-diplomatic approach, the Armitage Report argues that military options need to be considered if the DPRK refuses to accept a comprehensive approach from the US and continues to develop nuclear weapons and long range missiles. ‘Red Lines” should be drawn......the Pentagon ......ensures that U.S. forces can optimally deal with the evolving nature of the North Korean threat.’ Moreover, the report suggests the development of Missile Defences (MD) with a trilateral alliance between the US, ROK and Japan. This aims to strengthen US deterrence with a requirement to review the building of MD systems.

‘Public statements should also focus on deepening missile defense cooperation......Pentagon and the commander in chief of Combined Forces Command in the Republic of Korea should conduct a review to determine what mix of surveillance, radar, and other weapons is required to improve the defense of Seoul against bombardment or surprise attack.’

-Armitage Report, 1999, pp. 5-6-

In contrast with the Armitage Report, the Perry Report emphasises the need to ‘avoid, if possible, direct conflict’, while using ‘firm but measured steps to persuade the DPRK that it should return to the first path and avoid destabilising the security situation in the region.’ The Perry Report does not mention military options in a direct way and employs words of persuasion. In case of diplomatic failure, the Perry team sought to include a second stage described as a ‘red line’, which referred to a US guide line for DPRK
behavior. If the DPRK were to cross this ‘red line’, the US would implement a strong containment strategy. However, as ROK state actors strongly opposed this additional option, the Perry team did not include it in the report (Yun, 1993).

‘On the second path, we would need to act to contain the threat that we have been unable to eliminate through negotiation...... If North Korea rejects the first path, it will not be possible for the United States to pursue a new relationship with the DPRK. In that case, the United States and its allies would have to take other steps to assure their security and contain the threat. The U.S. and allied steps should seek to keep the Agreed Framework intact and avoid, if possible, direct conflict. But they would also have to take firm but measured steps to persuade the DPRK that it should return to the first path and avoid destabilizing the security situation in the region.’

-The Perry Report, 1999, p. 13-

Table 1 Discursive role of the Sunshine Policy in diffusing liberal nationalist norm

<table>
<thead>
<tr>
<th>Discursive role</th>
<th>The naming effect</th>
<th>The Cold War Structure</th>
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</thead>
<tbody>
<tr>
<td>Re-identifying the DPRK from an abnormal dangerous actor to a weak actor</td>
<td>Reconceptualising the Korean security concern from the nature of the DPRK to regional structure causing mutual threat</td>
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</tbody>
</table>

Under this situation, the Kim Dae-jung government sought to reinforce a US engagement policy in order to promote the Sunshine Policy. By undermining pre-occupied discourses of containment policy advocates, the Kim Dae-jung government contributed to the transformation of bilateral state identity between the US and the DPRK, and it could reshape international structure (dominant economic sanctions and diplomatic relations with US alliance) by discursive power persuading the US government. The discourses of the Sunshine Policy contributed to constructing the fundamental logic of the Perry Report on North Korea policy. As Table 7 shows above, cognitive (the naming effect) discourse served to re-identify the DPRK, which reinforced interpretive (the concept of Cold War Structure) discourses shaping new ideas on the Perry policy. Consequently, the discourse of the Sunshine Policy deconstructed the logic of containment policy that shared anti-communist norms.

**Legal Competition**

**Embedded norms in Law**

Legal discourse reflects dominant norms shaping state identity. Changes in the legal discourses of two dominant norms re-regulate political and social actors’ activities. The change of laws relating to inter-Korean relations affects the process of promotion of policy.

The ROK Constitution reflects the conflicting state identity between ROK and DPRK. The Constitution both denies and recognises the existence of the DPRK and national division. Its denial of both is reflected in the Constitution’s definition of ROK territory, which does not even recognise the existence of the DPRK. The Constitution of the ROK was enacted on July 17th 1948 to provide for
basic matters concerning the rights and duties of the population, the fundamental structure of the
government, the economic order, and election management and so on. In Article 3 of the Constitution,
it defines its territory as ‘the Korean peninsula and its adjacent islands.’ This basically means that
North Korean territory is seen as belonging to the ROK and therefore the DPRK’s sovereignty is not
recognised by the Constitution.

On the other hand, the Constitution fully recognises the existence of the DPRK and national division.
In the latest version of the Constitution, amended on the 29th Oct 1987, Article 4 describes a
specialised mission aiming for a peaceful unification of the motherland. This statement on peaceful
unification describes the expansion of boundaries to state actor in pursuing a more active policy
towards the DPRK and unification policy. Article 4 resulted from unification requirements issued
during democratisation in the 1980s (KINU, 2003). Furthermore, as both Koreas became members of
the UN and adopted the Basic Agreement between South and North in 1991, the ROK should
recognise and respect the political systems of the DPRK and recognise it as a state.

If the ROK maintains the current definition of ROK territory within its Constitution based on
interpretation, it cannot avoid an identity conflict existing between two legal discourses. This is
because maintenance of its current territory definition implies that the DPRK has taken illegal
possession of ROK territory, a definition that is written in a document recognised by the UN (KINU,
2003).

In the case of Taiwan, it ambiguously defines China in order to avoid the conflict between
international and domestic norms. It defines China as a historical, geographical, cultural and
consanguineous unified one China before 1949 or after reunification (Han, 2001, 17). It does not
state the current identity of two political entities, but defines China merely in terms of past and future.
In the case of West Germany, it did not have any constitutional conflicts because the Constitution of
West Germany states that East Germany does not belong to West Germany (KINU, 2003).

Table 2 Embedded norms in laws

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<tr>
<th></th>
<th>Anti-communism</th>
<th>Liberal nationalism</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Constitution</strong></td>
<td>Art 3</td>
<td>Art 4</td>
</tr>
<tr>
<td><strong>Recognition of the DPRK</strong></td>
<td>It defines its territory as ‘the Korean peninsula and its adjacent islands.’</td>
<td>It specifies the mission of peaceful unification of the motherland</td>
</tr>
<tr>
<td><strong>Dominant Laws</strong></td>
<td>The NSL</td>
<td>The IKECA</td>
</tr>
<tr>
<td><strong>Recognition of the DPRK</strong></td>
<td>Defines the DPRK as ‘an anti-government organization’ (Art 2)</td>
<td>Defines the DPRK as ‘North Korea’ (Art 1)</td>
</tr>
<tr>
<td><strong>Exchange and cooperation with DPRK</strong></td>
<td>Any person who has infiltrated from, or escaped to an area under the control of an anti-government organization shall be punished by imprisonment for not more than ten years (Art 6).</td>
<td>To promote reciprocal exchange and cooperation between south and north of the Military Demarcation Line (Art 1).</td>
</tr>
</tbody>
</table>
Based on the Constitution, the NSL also fails to recognize the DPRK as a state and defines it as an anti-governmental organisation. Art 2 of the Constitution defines 'ROK's territory' as the Korean peninsula. On the contrary, the IKECA based on the Constitution recognizes the existence of DPRK as a cooperative partner. Art 4 of the Constitution recognises the existence of the DPRK and national division. It clarifies that 'unification' is one purpose of the ROK and that formulation of a peaceful unification policy should be carried out. This Act clearly refers to the existence of the DPRK. Furthermore, through Art 1 of the Constitution the IKECA divides the Korean peninsula, defined as ROK territory, into two parts consisting of South Korea and North Korea.

In Art 6 the NSL prohibits 'infiltrating from, or escaping to an area under the control of an anti-government organization'. With strict prohibition it has added the condition, 'with the knowledge of fact that it may endanger the existence and security of the State or democratic fundamental order'. As explained in the previous chapter, this condition was added during the 7th amendment of the NSL in 1991 for the promotion of the Roh government. On the basis of Art 6, if someone does not fully consider or understand the possible dangers presented by visiting the DPRK they will be not punished on the occasion that they enter its territory. However, even if a person visiting the DPRK does not endanger the existence and security of the ROK or its fundamental democratic order, if the enforcement authority judges them to be fully aware of these dangers then the person will be duly punished. The problem with applying NSL law arises from questions of how to measure the awareness of a human being plus the unsubstantiated possibility of danger when visiting between South and North Korea. On the contrary, the IKECA aims to 'promote reciprocal exchange and cooperation on the Korean peninsula dividing south and north along the Military Demarcation Line' for the achievement of peaceful unification.

With the co-existence of two identities of the DPRK in ROK's Constitution, the NSL is a symbol of Anti-communism. The National Security Law originated from the 'Security Law' sanctioned during the Japanese colonial period between 1910 and 1945, which was modified and succeeded by the Lee Seong-man government in 1949. The purpose of the NSL was officially to protect national security and seek ideological clearance for communist groups, in particular the South Korean workers party (the Supreme Public Prosecutor's office, 1976, 266-267). The NSL became the most powerful law through the Korean War and played an important role in shaping the ROK's state identity. The NSL, along with the Anti-communist Law, had been utilized by military governments, Park and Chun government (1961-1987) and the Roh and Kim Young-sam government (1988-1997), which sought to suppress opposition political coalitions. Thus, the following section provides a discourse analysis of the dominant laws regarding the state identity of each norm.

This study explained that anti-communism consists of three meanings: anti-North Korea identification, US-dependent diplomacy and abuse of national security for domestic politics in the context of ROK. Anti-North Korea identification and the suppression of opposition groups by politicising national security are both embedded in the NSL. The NSL was reinforced by the Military Coup Committee in 1962 and in 1980 after the dissolution of the National Assembly. By analysing legal discourse this section illustrates shows how Anti-communism was embedded in the NSL.

With the end of the Cold War and subsequent democratisation, the amendment of NSL in 1991 seemed to undermine anti-communism. Firstly, a paragraph including anti-communist value was deleted. This deleted paragraph (Paragraph 2, Art 2 in 1988 NSL) defined all communist groups as anti-state organisations, “see a domestic or foreign organization in the line of communist group for the purpose of rebellion against the State”. This deletion was a reflection of foreign policy changes along with the introduction of the Northern policy, promoted by the Roh Taw-woo government (1988-1992). Since the key goal of the Northern policy was to normalise diplomatic relations with China and Russia that had communist political parties, the paragraph defining foreign communist groups as anti-state organisation for the purpose of rebellion against the ROK needed to be deleted. Otherwise, the promotion of diplomatic normalisation results in breaking the NSL. In addition, a
newly added paragraph demonstrated how to prevent human rights from the procedure of NSL enforcement.

However, the value of anti-communism in the NSL was not undermined. Despite a revision of the Constitution in 1987, the NSL still remained constitutional. The last revision of the NSL in 1991 even deteriorated in terms of its precise legal discourse. The newly amended NSL contained the statement that the NSL should not be abused for the political purpose of the state actor. As opposition political parties opposed the amended version, the ruling authoritarian government forced to pass a new NSL bill without the participation of opposition party members in the National Assembly (MinKahyup, 2004). This was because the 1991 amended NSL bill merely extended the subjectivity of its interpretation.

In terms of legal discourse, the key aspect of the amendment in 1991 was to add paragraphs that could be abused by enforcement agents due to the increased lack of precision. The key problem within the amendment is Art 7. The new version of Art 7 paragraph 1 replaced the words, ‘who benefits anti-government organization in other ways’ with ‘propagates or instigates a rebellion against the state’, while the pre-amended Art 7 emphasised its connection with anti-government organisations (in particular the DPRK). However, the amended version also included legal discourse implying any independent political action that had no particular connection with an anti-government organisation and as a result the target for prosecution was extended. Secondly, in Art 5, 6, 7 and 8 a new statement was added, ‘with the knowledge of the fact that it may endanger the existence and security of the State or democratic fundamental order’. The addition of this new wording resulted from the decision of the Constitutional Court in April 1990.

These changes helped enlarge the interpretive terrain of NSL application. For example, the ‘International Socialist (IS) group’ had not been prosecuted prior to the 7th amendment of the NSL in 1991, however it was now regarded as an enemy of the state. The Seoul High Court judged that the IS group was ‘an enemy group of state aiming at the behaviour of propagating and instigating with the knowledge of the fact that it may endanger the existence and security of the State or democratic fundamental order’ (MinKahyup, 2004). Prior to the 7th amendment of 1991, the prosecution were unable to criticise the IS group for its belief in Juche, North Korean political ideology, a definition that the USSR was a state-capitalist country and Trotskyist ideology. However, it was now able to prosecute IS members on the basis of the new wording ‘propagate and instigate a rebellion against state’ within the amended Art 7 on 15th Feb 1992. In other words, despite the end of the Cold War the NSL was still a dominant law due to the lack of precise wording, which could be abused by enforcement agents in the basis political purpose.

Externalizing liberal nationalism through legal competition

The Kim Dae-jung government tried to amend the NSL in 1999. President Kim Dae-jung indicated that the NSL would be newly amended at the luncheon meeting with Minhuahyep representatives. Moreover, President Kim asked the ruling party and the actual government to revise the amendment of the NSL. This was 10 years after the last 7th amendment of the NSL. At the time, the UN Human Rights Council ruled that the NSL, in particular Art 7, was a violation of international human rights conventions. However, the Grand Party ideologically attacked President Kim for the speech on the NSL on liberation memorial day on 15 August 1999. The Liberal Democratic Corporation party, which was the corporate party, tackled the amendment of the NSL (Lim, 2008). Accordingly, the Kim government was not able to amend or abolish the NSL.

The Summit of June 2000 in itself undermined the authority of the NSL. If the legal principles of the NSL had been applied to the summit of June 2000, President Kim Dae-jung’s visit to Pyongyang and his subsequent meeting with the DPRK leader Kim Jong-il would have been considered as illegal activities (Kim and Park, 2001). From a domestic legal point of view the ROK is the only legitimate
state in the Korean peninsula and the DPRK is thus regarded as an anti-state organisation (Kim and Park, 2001). However, Article 2 of the South-North Joint Declaration, produced at the June 2000 Summit, identifies ‘common elements’ in the South’s proposal for a confederation and the North’s proposal for a low level federation (Son, 2006, 189). The implication of this statement was that the ROK and the DPRK should accept the differences between their ideology and political system (Seo, 2001, Norman and Han, 2002). Such recognition challenged the South Korean legislation that denied the existence of the DPRK as a legal state and merely considered it as a communist and anti-(ROK) entity. This declaration therefore undermines the anti-communist norms that were shaping an antagonistic South Korean state identity until the advent of the Kim Dae-jung government.

In considering the promotion of economic cooperation and exchange between North and South Korea, the expansion of the IKECA was more significant than undermining of the NSL. The Kim Dae-jung government announced ‘Measure for facilitating South-North Economic Cooperation’ in April 30 1999. On the basis of ‘separation economy from politics,’ the Kim government expanded the scope which allowed all private enterprise to visit the DPRK, and abolished the regulation that had restricted the amount of investment to less than one million dollars. According to the 4-30 Measure, ‘Positive system’ that restricts number of industries is changed to ‘negative system’ that approves most investments to all industries except a few sensitive industries. In addition, on the basis of president decree and MOU Minister’s authority in decision-making, the MOU arbitrarily expanded the scope of civil participation in business projects with the DPRK.

According to Cho (1997), the NSL was interpreted in various ways due to its vague terminology (Cho, 1997) in phrases such as, ‘assume authority over the government or overthrow the State (Art 2),’ ‘state secret; (Art 4(1)),’ ‘infiltration from or escape to North Korea(Art 6),’ ‘instruction of an Anti-State Organization (Art 6(2)),’ ‘member of an Anti-State Organization (Art 7(1)),’ ‘praising, encouraging, aligning (Art 7(1)),’ ‘benefiting by any other method (Art 7 (1)),’ ‘enemy-benefiting organization (Art 7(2)),’ and ‘false facts that are apt to confuse social order (Art 7(3))’.

Among these vague concepts, in particular Art 7 of the NSL is the most significantly vague provision to unfettered discretion. The interpretation of the phrases ‘praising, encouraging, aligning with an anti-state organization,’ and ‘benefiting to an anti-state organization’ enabled law enforcement authorities to punish any kind of activity deemed to deviate from Anti-communism and its anti-North Korean identity. For example, during the Park regime the Korean Supreme Court made a judicial decision that a defendant, who copied a medical book on acupuncture and published it in the People’s Republic of China, should be charged with enemy-benefiting activities. In another case, professional stamp collectors who purchased DPRK stamps illustrated with propaganda images were charged under Act 7 of the NSL through ‘benefiting the enemy by aligning with an ASO’.

The vague terminology of the NSL enabled law enforcement authorities to make an extremely broad interpretation of Article 7. Criminal law without the “principle of certainty” is no more than a de facto “blank criminal law” that offers law enforcement authorities an unfettered power of interpretation. In light of the above, the phrasing used in the NSL makes it deficient in the principle of certainty.

The Inter-Korea Exchange and Cooperation Act (IKECA), which is a mother law, delegates the authority for decisions on important issues to presidential decree. It is common that any important or substantive matter originates from the mother law and it is the decree of this mother law that defines procedural matters. In terms of the Korean Constitution, the detailed range of application of any presidential decree needs to be defined by the mother law, which is namely a comprehensive ban delegation principle (the Constitution, Art 75, paragraph 1) (Je, 1996).

Nevertheless, the IKECA comprehensively delegates the authority of decision on the important issues to the filial law of presidential decree. For example, presidential decree has the authority to screen out certain partners (IKECA, Art 11) and goods (IKECA, Art 17) seeking to engage with inter-Korean
exchange and cooperation. In addition to this, members of the Inter-Korean Exchange and Cooperation Promotion Council (hereinafter referred to as the “IKECP Council”), which is a key decision making group, are appointed or commissioned by the Prime Minister from among Vice Ministers or public officials of equivalent standing. This shows that in comparison with other Acts the nature and scope of authority in the government of the IKECA is relatively much larger due to its comprehensive scope of enforcement.

The application of both laws would be different on the basis of interpretation of law enforcement agency due to the shortage of legal precision. As explained above, the legal ambiguity departs from the coexistence of conflicting norms in the Constitution, and the contradictory identities of North Korea in the NSL and the IKECA starts from the Constitution. Therefore, according to the interpretation of law enforcement agency on the behaviour of non-state actors, either the NSL or the IKECA would be applicable. In fact, a former Vice Minister of the MOU (confidential interview, 2009) claims that the promotion of inter-Korean projects confronts the NSL, so the IKECA was made in order to promote inter-Korean projects without breaking the NSL. In other words, in terms of promoting inter-Korean economic cooperation and exchange, the key factor is not law, but bureaucratic organisation. In the next section, we explore organisational roles of the Kim Dae-jung government in promoting the Sunshine Policy.

5. Conclusion

The study has sought to provide the comparison of processes of norm diffusion within different historical contexts in the contemporary ROK. It has looked at the role of domestic political actors in internalization and externalization of dominant norms within different international orders: the pre-Cold War and the post-Cold War in East Asia.

First of all, it has theoretically offered the concept of norm competition through discourse and institution, which aims at demonstrating norm diffusion. It attempts to analyse norm diffusion process by highlighting competitions of norm advocators in discourse and institution.

In the second section, this study has illustrated Lee’s role in identifying the Soviet Union and domestic communist groups as the enemy of the ROK. The Internationalization of external norm proceeded with the military support from outside. In this period, there is no dominant political actors in the Korean peninsula. Thus, by using material force supported from US military government as an external actor, the Lee administration attempted to suppress opposition groups.

Third section illuminates how the Kim Dae-jung government (1998-2002) sought to externalize liberal nationalism by reconstructing domestic institutions and discourses of Sunshine Policy at the international level. Through exploring diverse political actors’ role on the process of norm diffusion at the domestic and international levels in the ROK in both periods, this paper contributes to embodiment of regional contexts including decolonization and democratization in East Asia in developing non-Western IR theory.

However, the Kim Dae-jung administration create its own discourse to persuade international actors to share its policy toward North Korea. While the Lee administration used the power of translation, the Kim administration used the power of discourse in promoting their own North Korea policy.

Both periods, media played an important role as norm diffuser. The Lee administration used media groups for reinforcing anti-communist discourse and interpreting roles of external actors. During the Kim administration, internal major media groups attempted to undermine liberal nationalism shaping new identity toward North Korea.
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